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ATTORNEY DOCKET NO. 13237.0001U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Philip Jacoby)	Art Unit: 1772
)	
Application No.: 10/824,730)	Examiner: Chevalier, A.A.
)	
Filing Date: April 15, 2004)	Confirmation No.: 6721
)	
For: "EXTRUDED POLYPROPYLENE)	
SHEETS CONTAINING BETA)	
SPHERULITES")	

ELECTION UNDER RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C
Customer No. 23859

Sir:

This paper is submitted in response to the Office Action mailed on March 21, 2006, in which a Restriction Requirement has been made.

The Examiner requires Applicant to elect a single invention for prosecution on the merits from one of three patentably distinct inventions believed by the Examiner to be present in the application. The Examiner contends that these three patentably distinct inventions are those of:

- I. Claims 1-10 and 12-16, drawn to a sheet, classified in class 428, subclass 131;
- II. Claims 11, 23, and 24, drawn to a method of making the sheet, classified in class 156, subclass various; and

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III. Claims 17-22, drawn to a concentration, classified in class
525, subclass various.

Applicant hereby provisionally elects invention I, as set forth in claims 1-10 and 12-16,
with traverse.

Applicant respectfully requests that the restriction requirement be reconsidered as it is not
shown in the Office Action that a serious burden would be required to examine the pending
claims of Inventions I, II, and III, respectively, in the instant patent application. Specifically,
M.P.E.P § 803 provides:

If the search and examination of an application can be made without serious
burden, the Examiner *must* examine it on the merits, even though it includes
claims to distinct or independent inventions. (*Emphasis supplied.*)

Thus, for a restriction requirement to be proper, the following two criteria must be
satisfied: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that
the search and examination of the entire application cannot be made without serious burden in
the matter. *See* M.P.E.P § 803.

The Office Action has at least not shown that the second requirement has been met.
Specifically, it has not been shown that it would be a serious burden to search and examine all of
the claims of Groups I, II, and III together. Consequently, reconsideration and modification or
withdrawal of the restriction requirement to this extent is respectfully requested.

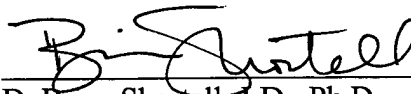
Should the Examiner have any questions regarding Applicant's response to the
Restriction Requirement, which may advance the efficient prosecution of the application, the
Examiner is courteously invited to contact the undersigned at the telephone number and address
listed below.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, including any items indicated as attached or included is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.


D. Brian Shortell, J.D., Ph.D.

April 21, 2006
Date